M\_\_\_. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ introduced the following resolution and moved its passage:

**RESOLUTION NO. \_\_\_**

**AUTHORIZING A CONTRACT WITH TRANE U.S. INC. FOR THE ROOF RESTORATION PROJECT AT THE BIG WALNUT ELEMENTARY SCHOOL BASED UPON O.R.C. 167.081 FOR CONTRACTS PROCURED THROUGH A REGIONAL COUNCIL OF GOVERNMENTS**

The Superintendent recommends that the Board authorize a contract with Trane U.S., Inc. (“Trane”) for the RTU Replacement Project at the Big Walnut Elementary School based upon the exception contained in O.R.C. 167.081 for contracts procured through a Regional Council of Governments.

Rationale:

1. The District has identified a need to replace two roof top HVAC units at the Big Walnut Elementary School (the “Project”).
2. O.R.C. 167.081 allows a school district to participate in a construction contract of a Regional Council of Governments (a “COG”) without the need to engage in competitive bidding. Specifically, R.C. 167.081 states that a regional council may enter into a contract that establishes a unit price for, and provides upon a per unit basis, materials, labor, services, overhead, profit, and associated expenses for the repair, enlargement, improvement, or demolition of a building or structure if the contract is awarded pursuant to a competitive bidding procedure of a multistate consortium of which the council is a member. The Board is a member of META Solutions (“META”). META is a Regional Council of Governments established under Chapter 167 of the Ohio Revised Code. META is also member of OMNIA Partners, Public Sector (“OMNIA”), a national purchasing consortium. As a result, Contractors procured by the Board through the cooperative purchasing program established by OMNIA meet all the requirements of R.C. 167.081, by virtue of the Board’s member ship in META and META’s membership in OMNIA, so long as such contract is based on unit pricing.
3. Trane is an experienced contractor for HVAC projects.
4. Trane has provided a proposal for the RTU Replacement Project in the amount of $157,500.00, which is based on unit pricing set forth under its Master Intergovernmental Cooperative Purchasing Agreement #15-JLP-023 with OMNIA Partners.
5. The Superintendent recommends procuring Trane through O.R.C. 167.081.
6. The Superintendent also requests authority for the Superintendent, Treasurer, and/or Director of Facilities to enter change orders on behalf of the Board in a total amount not to exceed 10% of the contract sum with Trane as set forth in the chart below. Change orders in excess of that amount will be brought to the Board for its approval.

|  |  |
| --- | --- |
| **Designated Individual** | **Field Work Order and Change Order Authority** |
|  | **Add Amount** |
| Director of Facilities | $0.00 to $5,000.00 |
| Treasurer (with initials from Director of Facilities) | $5,000.01 to $10,000.00 |
| Superintendent (with initials from Director of Facilities and Treasurer) | $10,000.01 to 10% of the contract sum |
| Board of Education by resolution  | Any change order in excess of 10% of the contract sum |
|  | **Deduct Amount** |
| Treasurer (with initials from Director of Facilities) | ($0.01 to $5,000.00)  |
| Superintendent (with initials from Treasurer and Director of Facilities) | ($5,000.01 to $10,000.00) |
| Board of Education by resolution  | ($10,000.01-plus) |

The Board of Education resolves as follows:

1. Based upon the information provided and exercising the authority given in O.R.C. 167.081, the Board authorizes the procurement of Trane.
2. The Board authorizes the Superintendent, Treasurer, and Director of Facilities to work with legal counsel to negotiate and execute a contract with Trane for the RTU Replacement Project and to sign any related documents for the work in an amount not to exceed $157,500.00.
3. The Board further authorizes the Superintendent, Treasurer, and Director of Facilities to sign change orders in accordance with the chart above.

M\_\_\_. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ seconded the motion and, after discussion, a roll call vote was taken and the resolution passed.

AYES: NAYS: